

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MISLAV BASIC, NATHAN GRUBER,
KEVIN BOUDREAU, DANIEL
SCHWAIBOLD, and KEITH
ZACHARSKI, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

1:23-CV-533-RP

BPROTOCOL FOUNDATION,
LOCALCOIN, LTD., GALIA BEN-ARTZI,
GUY BEN-ARTZI, EYAL HERTZOG,
YEHUDA LEVI, and BANCOR DAO,

Defendants.

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendants BProtocol Foundation, LocalCoin, Ltd., Galia Benartzi, Guy Ben-Artzi, Eyal Herzog, and Yehuda Levi's (collectively, "Defendants") Motion to Dismiss Plaintiffs' First Amended Class Action Complaint, (Dkt. 54). (R. & R., Dkt. 68). Plaintiffs Mislav Basic, Nathan Gruber, Kevin Boudreau, Daniel Schwaibold, and Keith Zacharski (collectively, "Plaintiffs") timely filed objections to the report and recommendation. (Objs., Dkt. 70). Defendants filed a response to Plaintiffs' objections. (Dkt. 71).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiffs timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the

report and recommendation, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 68), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Plaintiffs' First Amended Class Action Complaint, (Dkt. 54), is **GRANTED**.

Plaintiffs' claims are **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction and because Plaintiffs fail to allege that their claims fall within the territorial scope of the federal securities laws.

The Court will enter final judgment by separate order.

SIGNED on September 6, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE